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June 8, 2006

The Honorable Jeremiah W. Nixon  
Attorney General of Missouri  
Supreme Court Building  
Jefferson City, MO 65101

Dear Attorney General Nixon:

Once again, I am writing to you regarding the client/attorney relationship between the Attorney General's Office and the Department of Social Services (DSS). I have learned that your office has filed for dismissal of the Johnston case without prior approval or consultation with the department. I continue to be concerned that the department's input and expertise are not being solicited and accepted by your staff. As director of DSS and in the best interest of foster children, I plead with you to withdraw your motion to dismiss this case.

A vital aspect of this department's constitutional mandate is the welfare and protection of children. When the court must remove abused and neglected children from their homes and place them in the state's custody, it is a serious decision of great magnitude. The moral obligation which accompanies this great responsibility is the absolute protection of the child for whom we are given custody. Our focus, therefore, is on the rights and safety of these children.

The issue is not the ability of gay/lesbian individuals to provide a loving environment, but rather what is in the best interest of the children. Is it in the best interest of a child's emotional, psychological development to be placed by the state with a family engaged in alternative lifestyles? Does this add to the confusion of minor children already traumatized by abuse, neglect and displacement? Are the children unnecessarily being put at risk of experiencing the taunting and teasing of others? What is the moral obligation of the state to protect those who have been removed from their families and who cannot protect themselves?

The department's responsibility is to do everything in our power to provide the best possible placement for the children in our care. While the rights of gay/lesbian individuals will be determined by the courts, the protection of children continues to be our paramount focus. We want the court to hear these important issues regarding the rights of children who are in the protective custody of the state. Our compelling interest in this case is not the private sexual orientation of consenting adults, but rather the obligation of the Children's Division to focus on the best interest of the children in our care. As the state's attorney, it is the responsibility of your office to work with us to ensure this is done.

I strongly object to your dismissing this case without my approval, and I am disappointed that my reasonable request via my legal liaison to wait until such discussions could occur was rejected. Simultaneously, we will move forward with an emergency rule to empower the department to continue to protect Missouri's children.

I and my staff are available to provide any assistance you need. I appreciate your prompt attention to this matter.

Sincerely,

  
K. Gary Sherman  
Director

KGS:dl